

REMARKS

Claims 1 – 48 are pending in the application. Claims 1 – 16, 19 – 27, 29 – 35, and 38 – 43 have been rejected. Claims 17, 18, 28, 36, 37 and 44 – 47 have been objected to. Applicants respectfully traverse the Examiner's rejections and request reconsideration and full allowance of all pending claims.

Independent Claims 1 and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,963,635 issued to Szlam et al. in view of Applicants' admitted prior art.

Szlam discloses a single "switch" 13 that places outbound calls and provides the outbound calls to agent workstations. Switch 13, described as a PBX, PABX, ACD, dialer, crosspoint switch or combination of these, also supports outbound calls with a modem server 17 to send e-mails and a facsimile server 18 to send faxes. (8:44-48 and 8:64-68)

Applicants' written description at page 3 lines 16-23 as cited by the Examiner states:

A similar problem occurs with a single call center having multiple dialers. Calling list segmentation typically occurs at a host level, where each dialing device is assigned a portion of the calling list. A host downloads the segmented calling list to the individual dialing devices. If one dialing device fails, the other dialing devices do not know the status of telephone numbers in the failed dialing device's segment.

Claim 1 recites, in part, "a distribution module interfaced with the plurality of dialing devices and including a plurality of pools and a plurality of queues, the distribution module operable to place the call records into the pools, transfer less than all of the call records from the pools to the queues, and transfer the queues to the dialing devices."

Claim 29 recites, in part, "transferring less than all of the call records from the pools to a plurality of queues; and transferring the queues to a plurality of dialing devices."

Applicants respectfully submit that Szlam and Applicants' admitted prior art cannot make obvious Claims 1 and 29 because Szlam and the admitted prior art fail to teach, disclose or suggest all elements recited by Claims 1 and 29, and because no motivation exists for combining


Szlam as interpreted by the Examiner with a system of plural dialing devices. For instance, Szlam and the admitted prior art fail to teach disclose or suggest "a distribution module interfaced with the plurality of dialing devices and including a plurality of pools and a plurality of queues, the distribution module operable to place the call records into the pools, transfer less than all of the call records from the pools to the queues, and transfer the queues to the dialing devices," as recited by Claim 1. As another example, Szlam fails to teach, disclose or suggest "transferring less than all of the call records from the pools to a plurality of queues; and transferring the queues to a plurality of dialing devices" as recited by Claim 29.

The Examiner admits at the bottom of page 3 of the Office Action that Szlam fails to disclose a plurality of dialing devices. The Examiner states that the controller (11) of Szlam places calls in pools and then establishes queues for campaigns. However, nothing in Szlam teaches, discloses or suggests that the controller could control more than the one switch disclosed by Szlam. Indeed, Szlam describes the functions of controller 11 as: "controller 11 causes switch 13 to dial outbound calls, answer and manage inbound calls, and decode dual tone multiple frequency (DTMF) tones, and decode automatic number identification (ANI), dialed number information service (DNIS), and other telephony signals" (8:48-53). Szlam provides no indication that its controller could expand capacity by controlling plural switches. Applicants' background describes segmentation of call lists to assign portions of the call list to individual dialing devices and suggests that existing systems have separate control of call list segments by dialers since "If one dialing device fails, the other dialing devices do not know the status of telephone numbers in the failed dialing device's segment." Nothing in Applicants' background admits the use of the distribution module recited by Claim 1 or the transferring recited by Claim 29. Furthermore, no motivation exists to combine Szlam with the admitted prior art of plural dialers in a call center. The Examiner cites no reference for the stated motivation or any factual evidence to support the statement that "adding more dialing devices does not alter the functionality of Szlam et al. at issue, but merely expands capacity." The Examiner must provide evidence from within the cited references of the alleged motivation in order to reject the claims as obvious. The Examiner has failed to provide such specific evidence. Accordingly, Applicants respectfully submit that Claims 1 and 29 are allowable, as are Claims 2-28 and 30-47 which depend from Claims 1 and 29 respectively.


CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being sent to the USPTO via the USPTO Central Facsimile on June 1, 2004.


Attorney for Applicant(s) Date of Signature

Respectfully submitted,


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